1 SEYFARTH SHAW LLP 2 Marianne M. Dickson (SBN 249737) 560 Mission Street, Suite 3100 FILED & ENTERED 3 San Francisco, California 94105 Telephone: 415-397-2823 4 Facsimile: 415-397-8549 JAN 08 2015 Email: mdickson@seyfarth.com 5 **CLERK U.S. BANKRUPTCY COURT** SEYFARTH SHAW LLP Central District of California BY duarte DEPUTY CLERK 6 Bart Lazar James B. Sowka 7 (Pro Hac Vice Pending) 131 South Dearborn Street, Suite 2400 Chicago, Illinois 60603-5577 8 Telephone: (312) 460-5000 Facsimile: (312) 460-7000 9 Email: blazar@seyfarth.com 10 isowka@seyfarth.com 11 Attorneys for ALDI, INC. 12 13 IN THE UNITED STATES BANKRUPTCY COURT 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA 15 SANTA ANA DIVISION 16 CREATIVE OUTDOOR Case No. 14-16651-ES DISTRIBUTORS, USA INC., 17 Chapter 11 Debtor 18 ORDER GRANTING MOTION FOR **ORDER TO CONDUCT EXAMINATION** 19 OF DEBTOR CREATIVE OUTDOOR DISTRIBUTORS, USA, INC., THROUGH 20 BRIAN HOROWITZ, AND BRIAN HOROWITZ IN HIS PERSONAL 21 CAPACITY AND PRODUCTION OF **DOCUMENTS PURSUANT TO** 22 BANKRUPTCY RULE 2004 23 [no hearing required] 24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that: 25 1. The Motion is GRANTED in its entirety; 26 2. Pursuant to Federal Rule of Bankruptcy Procedure 9001(5), Brian Horowitz is hereby deemed as 27 the Debtor in this case for the purpose of the 2004 examination of Creative Outdoor Distributors, 28 USA, Inc.;

- 3. Pursuant to Federal Rule of Bankruptcy Procedure 2004(d):
 - a. The Debtor, through Brian Horowitz, is directed to appear for examination at Seyfarth Shaw's offices at 2029 Century Park East, Suite 3500, Los Angeles, CA 90067-3021 ("Seyfarth's Offices"), on the topics set forth in **Exhibit B** to the Motion on such date noticed by Aldi after 30 days' notice of same or as otherwise mutually agreed by the parties; and
 - b. The Debtor is directed to produce, at Seyfarth Offices, no later than the close of business on such date noticed by Aldi after 30 days' notice of same or as otherwise mutually agreed by the parties, all documents described in **Exhibit A** attached to the Motion.
- 4. Pursuant to Federal Rule of Bankruptcy Procedure 2004(a) & (b), Aldi is authorized to examine Brian Horowitz, in his personal capacity, on the subjects set forth in the Motion and **Exhibit A** to the Motion.
- 5. Pursuant to Federal Rule of Bankruptcy Procedure 2004(c):
 - a. Aldi is hereby authorized to issue a subpoena to Brian Horowitz, in his personal capacity, compelling him to appear for examination at Seyfarth Offices on the topics set forth in <u>Exhibit B</u> to the Motion on such date noticed by Aldi after 30 days' notice of same or as otherwise mutually agreed by the parties; and
 - b. Aldi is hereby authorized to issue a subpoena to Brian Horowitz, in his personal capacity, compelling the production of all documents described in <u>Exhibit A</u> to the Motion at Seyfarth Offices, no later than the close of business on such date noticed by Aldi after 30 days' notice of same or as otherwise mutually agreed by the parties.

Date: January 8, 2015

Erithe Smith

United States Bankruptcy Judge